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20 CAPITAL ONE BANK (U.S.A.), N.A.  
21 (erroneously named as "CAPITAL ONE,  
22 NATIONAL ASSOCIATION")

23 **UNITED STATES DISTRICT COURT**  
24 **NORTHERN DISTRICT OF CALIFORNIA**

25 CHRISTINE SMITH,  
26  
27 Plaintiff,

28 v.

CAPITAL ONE, NATIONAL  
ASSOCIATION,  
Defendant.

Case No.: 5:16-cv-05721-LHK

**STIPULATION FOR DISMISSAL  
OF DEFENDANT CAPITAL ONE  
BANK (USA), N.A.; [PROPOSED]  
ORDER**

**TO THE COURT, CLERK OF COURT, AND ALL PARTIES:**

**IT IS HEREBY STIPULATED** by and between plaintiff Christine Smith and defendant Capital One Bank (USA), N.A. ("Capital One"), erroneously sued as "Capital One, National Association," that Capital One be dismissed from this action with prejudice pursuant to Federal Rules of Civil Procedure, Rule 41(a)(2), and that each party shall bear its own attorneys' fees and costs.

DATED: April 19, 2017

**Sagaria Law, P.C.**

By: /s/ Scott Johnson  
Scott Johnson  
Attorney for Plaintiff  
CHRISTINE SMITH

DATED: April 19, 2017

**Doll Amir & Eley LLP**

By: /s/ Chelsea L. Diaz  
Chelsea L. Diaz  
Attorney for Defendant  
CAPITAL ONE BANK (USA), N.A.

I, Elliot Gale, am the ECF user whose identification and password are being used to file this Stipulation. I hereby attest that Chelsea L. Diaz has concurred in this filing.

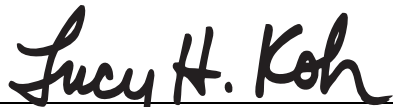
/s/ Elliot Gale

**[PROPOSED] ORDER**

Pursuant to the Stipulation of the Parties, Capital One Bank (USA), N.A. is dismissed with prejudice. The Clerk shall close the case.

**IT IS SO ORDERED.**

DATED: April 21, 2017

  
Hon. Lucy H. Koh  
UNITED STATES DISTRICT JUDGE